

Ontario Power Generation Inc (OPG) and DNNP LP

2027-2031 Payment Amounts Application

Power Workers' Union Submission regarding O. Reg 53/05 section 8.

BACKGROUND

1. On February 27, 2026, DNNP GP Inc., as managing general partner on behalf of DNNP LP (the "DNNP LP"), requested that the OEB issue an order under section 8 of O. Reg. 53/05 (the "Regulation") declaring that the DNNP generator has satisfied the conditions set out in that section of the Regulation. In the request, the Applicants stated that the DNNP LP had met the four conditions set out in section 8 of the Regulation.
2. On April 17, 2026, the Applicants filed a letter with the OEB indicating that since DNNP LP has satisfied all four conditions in section 8 of the Regulation, the OEB should issue the section 8 order as soon as possible, as issuance of the section 8 order is a precondition for Part III of the Regulation to take effect.
3. On April 27, 2026, the OEB issued Procedural Order No.4 in which it invited submissions from intervenors and OEB staff regarding the request for a section 8 order, addressing the following:
 - Whether anyone disputes that the four conditions set out in section 8 of O. Reg. 53/05 have been met
 - The appropriate effective date of any order issued under section 8 of O. Reg. 53/05
 - Any other argument relevant for purposes of issuing the section 8 order

PWU SUBMISSION

4. Based on the PWU's review of the evidence included in the February 27 letter of the Applicants, the PWU submits that the Applicants have provided sufficient information that the four conditions set out in Section 8 of O.Reg. 53/05 have been met to the

satisfaction of the OEB, and therefore, that the OEB should issue an order to that effect.

5. With respect to the appropriate effective date of section 8 order, the PWU submits that the most important consideration is the Board's determination of the date when the four conditions of section 8 were met to its satisfaction. If the Board is satisfied with the Applicants' evidence that the four conditions were met as of December 29, 2025, then, subject to the preferences and positions to be set out in the Applicants' reply submissions, that should be the appropriate effective date.
6. Section 8 of O. Reg. 53/05 dictates that Part III of the regulation takes effect once the conditions are met. Because the conditions are framed as strict factual prerequisites, the "DNNP transition date" must legally reflect when the threshold was reached, rather than the Board's order issuance date.
7. While the PWU is not aware of the Applicants' preferred effective date, the PWU believes aligning effective date with the date the four conditions were formally achieved will have the benefit of ensuring accounting continuity and preventing financial regulatory lag.

All of which is respectfully submitted